

MEISSNER, KLEINBERG & FINKEL, LLP.
275 MADISON AVENUE, SUITE 1000
NEW YORK, NEW YORK 10016-1101
(212) 689-8600
TELECOPIER (212) 686-0252

GEORGE S. MEISSNER
RONALD M. KLEINBERG
RICHARD A. FINKEL

LAUREL J. WEINBERG*
PHILIP M. MEISSNER*
ADAM HURT

* ADMITTED IN NEW YORK
AND FLORIDA

December 19, 2008

By Mail & Fax

Taryn A. Merkl
Assistant U.S. Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
Fax No.: 718-254-7499

Dilshad Perera
On-Scene Coordinator
U.S. Environmental Protection Agency
Emergency & Remedial Response Division
2890 Woodbridge Avenue, Bldg. 209 (MS-211)
Edison, New Jersey 08837
Fax No.: 732-321-4425

Ken Eng
U.S. Environmental Protection Agency
Chief, Air Compliance Branch, Region 2
290 Broadway
New York, New York 10007
Fax No.: 212-637-3998

N.Y.C. Dept. of Environmental Protection
Asbestos Control Program
59-17 Junction Boulevard, 8th Floor
Queens, New York 11368
Fax No.: 718-595-3749

Re: Parkway Village
Notice Pursuant to Agreement (¶ 12)
of August 5, 2008

In compliance with the terms of the Agreement between Parkway Village Equity Corp. and the United States Attorney's Office for the Eastern District of New York, dated August 5, 2008 ("the Agreement"), specifically paragraphs 16 and 17 thereof, this letter is submitted to provide notice of the commencement of a "dig," as set forth below.

A steam leak has developed adjacent to Building 82 (147-22 Village Road), therefore an excavation ("dig") will be commenced adjacent to the building on or after Monday December 22, 2008 or as soon as weather permits. Because of the dangerous condition caused by the release of the hot steam and because the steam is causing damage to Building 82, we consider this situation within the "exigent circumstances" provision of ¶17 of the Agreement, that

343755



requires immediate attention.

This dig will be performed by employees of Parkway Village under the personal supervision of Property Manager Arthur Baxter, who is trained in identifying asbestos material. The intention is to instal a temporary vent to direct the steam away from Building 82. It is estimated that the dig will be conducted to a depth of approximately 4 feet.

During the dig, if asbestos is encountered in the soil or as insulation on the pipe, proper steps will be immediately taken. Namely, the work will be immediately stopped and the suspected asbestos will be promptly covered. Thereafter, an appropriate consultant will inspect the site to determine if asbestos is actually present, and if asbestos is present a licensed asbestos removal contractor will be retained to be properly conduct the abatement (see Settlement Agreement ¶8ix) with all appropriate notices filed in accord with the Settlement Agreement and with applicable legal requirements.

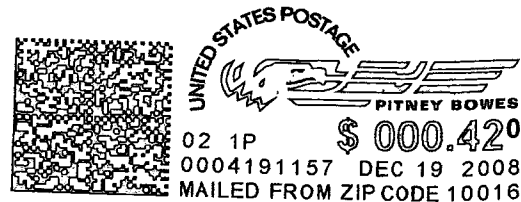
Very truly yours,

Meissner, Kleinberg & Finkel, LLP.
Counsel for Parkway Village Equity Corp.

By: 

Richard A. Finkel

MEISSNER KLEINBERG & FINKEL LLP
275 MADISON AVENUE
SUITE 1000
NEW YORK NEW YORK 10016



Dilshad Perera
On-Scene Coordinator
U.S. Environmental Protection Agency
Emergency & Remedial Response Division
2890 Woodbridge Avenue, Bldg. 209 (MS-211)
Edison, New Jersey 08837

08837+3859

